Attachment to Independent Case Review Report
For CDRU # 129 Case file # 95-265396.

Material Examiner: Malone (RQ)

Remarks:

Case resulted in trial, transcript available.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 12:45 PM (Time), 11/16/00 (Date)

File #: 95-265396

Laboratory #(s): 50205046
60122029

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	X☐	☐		☐	☐
WM, TT	☐	X☐		☐	☐
	☐	☐		☐	☐

Materials Reviewed

Trial testimony transcript(s) of: Michael P Malone

Testimony Date(s): unknown Pages: 19 un-numbered pages

Laboratory Report(s):

Laboratory Number: 50205046 Date: May 10, 1985

Laboratory Number: 60122029 Date: May 30, 1986

Laboratory Number: Date:

Examiner Bench Notes of: RQ/technician

Laboratory Number: 50205046
60122029

CRM - 10713

Initials:

Was any other material reviewed? X Yes ☐ No

If yes, please identify and/or describe the material: Submitting agency letters dated 1/23/85 and 1/21/86 and Malone's dictation for 50205046

Results of Review

File #: 95-265396 Item or Specimen # Reviewed: Q16-Q22, K10-K13

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☒ Unable to Determine

2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes? ☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine

4) Testimony consistent with the bench notes? ☐ Yes ☒ No ☐ Unable to Determine

5) Testimony within bounds of examiner's expertise? ☐ Yes ☒ No ☐ Unable to Determine

Initials: SMA

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-265396

#1. It cannot be determined from the documentation that the tests were performed in a scientifically acceptable manner.

#2. The results are documented in the notes, but the notes are not dated or initialed and are in pencil. This is not adequate documentation.

The technician does not document the recovery of any hair from the Q items.

Abbreviations are used that are difficult to interpret (such as "M-lt dist, lt indist" and "cut-ssp") to describe some of the characteristics of the hair.

The laboratory report does not include the result that a pubic hair was recovered from Q18-victim's jeans that does not match the victim or the suspect hair.

#4. The testimony is consistent with the notes except that the pubic hair recovered from Q18-victim's jeans is

Review completed at: 2:15 PM (Time), 11 / 16 / 2000 (Date).

Total time spent conducting review (to nearest 1/4 hour): 1.50 hour

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Schutter — (Signature)

11-16-2000 — (Date)

Initials: SLS

Additional Comments
(Set forth by question #, if applicable)

File #: 95-265396

#4 (continued):

not revealed during testimony.

5. RQ misrepresents his experience of having examined hair from 10,000+ people and only twice was unable to distinguish the hair to the equivalent of the Gaudette study done at the RCMP. The Gaudette study attempted to calculate the frequency of a chance match of a common, featureless head hair and arrived at a one in 4500 chance. RQ's experience and Gaudette's study are not comparable. This is misleading testimony. See US v. [redacted] 594 F. 2d 676.

b6
b7C

Initials: